

March 26, 2007

Dear Chairman McNutt and Members of the House Natural Resources Committee:

I thought I should send you an explanation as to why I came to Helena on Friday, March 23rd, to oppose House Bill 831. Given the limit on opponent testimony I did not have time to articulate my concerns, so I would like to submit my comments as a letter for the record for the hearing on HB831.

I wanted to address unintended consequences and affordable housing. Arvid Hiller of Mountain Water Co. explained the hardships that would be created by only excepting use by a municipality. Hiller's testimony was on point. Unfortunately the effect on the Lolo Water District and the many other small public water systems would be much greater because they have fewer users to absorb the extra costs.

The vast majority of the state does not have the luxury of a municipal water system. The choice for new housing is well and septic systems or public water and/or sewer systems.

The unintended consequence of this bill will be to push people away from public water systems to private wells and septic systems. This will force the one acre minimum lot size. One acre lots are the wrong size for most people (too large to mow and too small to graze) and too expensive for most of Montana's working families.

The Missoula Organization of REALTORS® 2007 housing report pointed out that the largest single increase in the cost of housing over the last 10 years has been the cost of land. This is happening all over the state. The last thing we should be doing is forcing large portions of our state to revert back to the inefficient, uneconomical, and lousy planning choice of one acre lots. Our state needs the option of using public water systems.

The easy fix in House Bill 831 is to simply except public water systems from the bill. This would be very logical because, as a number of witnesses pointed out, up to 95% of the water used for domestic use goes right back into the aquifer and to the surface water. Smaller public water systems would have a smaller effect than larger municipal systems, simply because they are smaller.

Will this change fix House Bill 831? I'll let the experts debate that and you decide, but I was struck by the fact that virtually no one, proponent or opponent, really approved of House Bill 831 as presently written. Unfortunately, you have almost no time to fix it.

Thank you for your time and consideration.

Sincerely,

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